

REMARKS

Upon entry of the present Amendment, claims 1-7 and 9-21 will be pending, of which claims 1-4, 6-7 and 9-16 will have been amended, claim 8 will have been canceled without prejudice or disclaimer of the claimed subject matter, and claim 21 will have been newly submitted for the Examiner's consideration. Applicants respectfully submit that claims 1-7 and 9-21 are in condition for allowance.

Applicants note with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statements filed on November 7, 2003, and February 10, 2006, in the present application. Applicants thank the Examiner for returning, with the afore-noted Office Action, initialed and signed copies of the Forms PTO-1449 that accompanied the November 7, 2003 and February 10, 2006 Information Disclosure Statements. However, with respect to the returned copies of the Form PTO-1449 submitted on November 7, 2003, the Examiner did not provide his initials next to U.S. Patent Application Publication No. 2002/0083127 (AGRAWAL), and crossed through U.S. Patent Application Publication No. 2003/0073440 (MUKHERJEE et al.). In this regard, both of these U.S. Patent Application Publications were properly cited on the Form PTO-1449 submitted on November 7, 2003, and are not duplicates of any documents cited on the Form PTO-1449 submitted on February 10, 2006. Accordingly, Applicants have attached hereto an updated clean copy of a Form PTO-1449 citing the same information as the information cited on the PTO-1449 submitted November 7, 2003, and respectfully request that the Examiner consider and acknowledge consideration

of all of the documents cited therein, and return a signed copy of the attached Form PTO-1449.

Applicants note that the above-noted Office Action does not indicate the status of the drawings originally filed with the present application, i.e., on July 29, 2003. Since the drawings filed July 29, 2003 were not objected to in the Office Action, Applicants presume the drawings are acceptable to the Examiner and no further action is necessary on the part of the Applicants.

In the above-noted Office Action, the specification is objected to as lacking a Brief Summary of the Invention. Claims 13 and 15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-6 and 9-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by HARKER et al. (U.S. Pat. No. 7,162,474). Claims 7-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over HARKER et al. in view of GRABELSKY et al. (U.S. Pat. App. Pub. No. US 2004/0003046). Applicants respectfully traverse the objection to the specification and the rejections of claims 1-7 and 9-20 (claim 8 having been canceled), and request reconsideration and withdrawal of the same, as well as an indication of allowability of now pending claims 1-7 and 9-21 in the next Office communication, for at least the following reasons.

The present application specification is compliant with 37 C.F.R. 1.77(b). Rule 1.77(b) suggests that the specification of a utility application “should” include the sections enumerated in the Rule. However, Rule 1.77(b) does not require a Brief Summary of the Invention to be provided in a patent application. Furthermore, there is no statutory requirement that requires that a separate portion of the application labeled

Brief Summary of the Invention be provided by Applicants in an application for patent. Thus, Applicants respectfully request reconsideration and withdrawal of the objection to the specification.

Upon entry of this Response, the rejection of claims 13 and 15 under 35 U.S.C. §112, second paragraph, will have been overcome. Claims 13 and 15 are rejected under § 112, second paragraph, as being indefinite because claims 13 and 15 recite the term “required.” Upon entry of the present Response, claims 13 and 15 will have been amended to delete the term “required”. Thus, Applicants request reconsideration and withdrawal of the § 112, second paragraph, rejection of claims 13 and 15.

Applicants traverse the rejection of claims 1-6 and 9-20 under 35 U.S.C. § 102(e) as being anticipated by HARKER et al. In this regard, HARKER et al. do not teach or suggest at least, *inter alia*, a requestor as recited in claims 1 and 13, a service switching point and a service control point, as recited in claim 10, or receiving a session request from a session initiator in response to a user instruction, generating a request for presence information in response to the received session request, and sending the request for presence information to a presence platform as recited in claim 16.

For example, independent claim 1 is directed to, *inter alia*, a requestor configured to receive a session request from a session initiator and to generate a request for presence information. The request for presence information is received by a presence server that processes the request and sends a preferred treatment to the requestor. Independent claim 13 is directed to, *inter alia*, a requestor configured to receive a session request from a mobile device and to generate a request for presence information. The request for

presence information is received by a presence server that processes the request and sends session set up information to the requestor.

Further, independent claim 10 recites, *inter alia*, a service control point that receives a query from a service switching point in response to a call origination from a calling party, and a presence server that receives a request for presence information from the service control point, wherein the presence server processes the request and returns a preferred treatment to the service control point, wherein the service control point instructs the service switching point to establish the call when the preferred treatment indicates that the called party will accept the call.

Further, independent claim 16 recites, *inter alia*, receiving a session request from a session initiator in response to a user instruction, generating a request for presence information in response to the received session request, sending the request for presence information to a presence platform, receiving preferred treatment information from the presence platform, and initiating a telecommunications session with the other user in response to the obtained presence information and the preferred treatment information.

On the other hand, HARKER et al. disclose a method of communicating between two parties comprising assigning to the recipient party a unique identifier and making at least one rule specifying the manner of communications between the initiating party and the recipient party (*see*, e.g., column 3, lines 11-20). In HARKER et al., the initiating party (*see* Initiating Party 8 in FIG. 1) initiates a communication with a recipient party (*see* Recipient Party 6 in FIG. 1) by directly querying the presence system 4, which then returns data directly to the initiating party device (*see*, e.g., column 4, line 33 *et seq.*).

However, the HARKER et al. system does not, *inter alia*, include a requestor, as recited in claims 1 and 13, the service switching point and service control point, as recited in claim 10, or receiving a session request from a session initiator in response to a user instruction, generating a request for presence information, sending the request for present information to a presence platform, receiving preferred treatment information from the presence platform, and initiating a telecommunications session with the other user in response to the obtained presence information and the preferred treatment information, as recited in claim 16.

Accordingly, because HARKER et al. do not disclose each and every element of the independent claims 1, 10, 13 and 16, withdrawal of the rejection under 35 U.S.C. § 102(e) based on HARKER et al. is respectfully requested.

Further, claims 2-6, 9, 11-12, 14-15 and 17-21 depend from claims 1, 10, 13 and 16 and are patentably distinguishable for at least the reasons provided above with respect to claims 1, 10, 13 and 16, as well as for additional reasons related to their own recitations.

Applicants submit that they have discussed and distinguished the claimed subject matter of claims 1-6 and 9-21 from the HARKER et al. patent. Thus, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 1-6 and 9-20 under Section 102 as being anticipated by HARKER et al.

Applicants separately traverse the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over HARKER et al. in view of GRABELSKY et al. In this regard, the rejection relied on GRABELSKY et al. only as teaching a session initiation protocol

(SIP) proxy server including service logic that receives a request from a session initiator. Therefore, GRABELSKY et al. do not cure the noted-above deficiencies of HARKER et al., and the rejection of claim 7 should be reconsidered and withdrawn by the Examiner.

Since claim 7 depends from claim 1 and is patentably distinguishable for at least the reasons provided above with respect to claim 1, as well as for additional reasons related to its own recitations, Applicants respectfully request that the Examiner reconsider and withdraw the Section 103 rejection of claim 7, and indicate the allowability of claim 7 in the next Office communication.

Thus, Applicants respectfully request allowance of this application to mature into U.S. patent, including claims 1-7 and 9-21.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the objection and rejections under 35 USC §§ 102, 103 and 112, second paragraph, in the Office Action dated April 20, 2007, should be withdrawn. The present Response is in proper form, and none of the references teach or suggest Applicants' claimed subject matter. In addition, the applied references of record have been discussed and distinguished, while significant features of the present claims have been pointed out. Accordingly, Applicants request timely allowance of the present application.

Should an extension of time be necessary to maintain the pendency of this application, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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